UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,137	12/01/2003	Takao Shudo	325772033400	1206

7590   04/04/2008

Barry E. Bretschneider
Morrison & Foerster LLP
Suite 300
1650 Tysons Boulevard
McLean, VA 22102

EXAMINER
PATEL, CHIRAG R

ART UNIT	PAPER NUMBER
2141	

MAIL DATE	DELIVERY MODE
04/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/724,137	SHUDO, TAKAO
	Examiner	Art Unit	
	CHIRAG R. PATEL	2141	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *02 January 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-23* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some *   c) ☐ None of:

    1. ☒ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Response to Arguments

Applicant's arguments filed January 2, 2008 have been fully considered but they are not persuasive. A discussion is provided below.

Applicant's spec disclose per ([0037]), "The additional function is not limited thereto as long as it is a process that handles image data and executable by a computer."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12-20, and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Rublee et al. – hereinafter Rublee (US 2003/0043416).

As per claims 1 and 22, Rublee discloses an image processing apparatus capable of communicating with a management server, comprising:

an image data input unit inputting image data; ([0012])

an authentication information input unit inputting authentication information necessary for authenticating a user; ([0016])

an authentication information transmitter transmitting said input authentication information to said management server; ([0016],[0018]; Thus, according to the present embodiment of the present invention, soon after the network login at scanner 12, information derived from the network login, such as the login name, is associated, within a database which can be resident in scanner 12, or elsewhere, with an e-mail address of the identified sending person)

an additional function list receiver receiving from said management server, in response to the transmission of said authentication information, additional function information for specifying an additional function that is registered in association with said user in an additional function list, the additional function list including at least one additional function executable by said management server; ([0018]; information derived from the network login, such as the login name, is associated, within a database which can be resident in scanner 12, or elsewhere, with an e-mail address of the identified sending person, interpreted as an additional function when reading claims in light of the spec per the discussion above, that is registered in association with said user, as a context is broadly interpreted as a location of a user, which is the email addresss [0019]; In the case of entering an auditing code, the code can relate to billing of the scanning action (as in a copy-shop context) or to a client associated with the document being scanned (as in a lawfirm context)... What auditing code is used may affect the determined e-mail addresses of persons to receive status reports... entry of a matter number identifying a case may cause the system (whether at the scanner itself or

elsewhere) to automatically send the scanned image data to one or more

predetermined e-mail addresses)

an additional function selector for selecting a desired additional function from the

additional function list; and ([0019]; entry of a matter number identifying a case may

cause the system (whether at the scanner itself or elsewhere) to automatically send the

scanned image data to one or more predetermined e-mail addresses; [0020]; the e-mail

address of the sender, as determined above by association with the network login

name, is placed in the "From:" space in the e-mail message)

an instruction transmitter transmitting said additional function information and

said input image data to said management server. ([0023]; email server is interpreted as

management server, If the error is of a type that sending any message to a destination

computer is impossible (e.g. the e-mail server 18 is down), the error message would be

sent to the scanner 12; shows image is sent to email server first before sending to the

destination computer)

As per claim 2, Rublee discloses the image processing apparatus according to claim

1, further comprising a display unit displaying said received additional function

information. ([0023])

As per claim 3, Rublee discloses the image processing apparatus according to claim

2, wherein said display unit includes a title display unit displaying a title of the

additional function, and ([0019], [0023])

and a detail information display unit displaying, in response to specification of

said displayed title, detail information about the additional function. ([0019], [0023])

As per claim 4, Rublee discloses the image processing apparatus according to claim

1, wherein said image processing apparatus is capable of communicating with a

plurality of management servers through a network, and further comprises a

management server selector selecting one of said plurality of management servers.

([0015])

As per claim 5, Rublee discloses the image processing apparatus according to claim

4, further comprising a detector detecting each of said plurality of management

servers. ([0026; LDAP query)

As per claim 6, Rublee discloses the image processing apparatus according to claim

5, wherein said detector includes a send unit sending a search request to said

network for detecting said plurality of management servers, and a response receiver

receiving a response to said search request. ([0026; LDAP query)

As per claims 7, 16, and 19-20, Rublee discloses the image processing apparatus

according to claim 1, wherein said additional function list includes at least one of: a

transmission process for transmitting said image data to other computer; a recording

process for recording said image data in a recording medium; and an image

process. ([0019])

As per claims 8 and 17, Rublee disclose the image processing apparatus according

to claim 7, wherein said transmission process includes a transmission through an e-

mail. ([0019])

As per claims 9 and 18, Rublee discloses the image processing apparatus according

to claim 7, wherein said transmission process includes a file transfer process.

([0019])

As per claim 10, Rublee disclsoes the image processing apparatus according to

claim 7, wherein said recording process stores said image data in a database.

([0027], Figure 3: item 102)

As per claim 12, Rublee discloses the image processing apparatus according to

claim 1, wherein said additional function list includes an image process to said

image data, said image processing apparatus further comprising: a processed image

data receiver receiving a processed image data that has been executed the image

process from said management server; and an output unit outputting said received

processed image data. ([0027])

As per claim 13, Rublee discloses the image processing apparatus according to claim 12, wherein said output unit is an image forming apparatus forming an image in a recording medium. ([0030; Figure 2: item 120])

As per claims 14 and 23, Rublee discloses a management server capable of communicating with an image processing apparatus, comprising:

An additional function storage unit storing an additional function associating identification information for identifying a user with n additional function executable by the management server; ([0013])

an authentication information receiver receiving authentication information necessary for authenticating the user from said image processing apparatus; an authentication unit determining if said received authentication information is true or not; ([0017])

an additional function transmitter extracting, when said received authentication information is determined to be true by said authentication unit, information of an additional function stored in the additional function list in association with identification information included in said authentication information, and transmitting the additional function information to said image processing apparatus; and ([0017])

a processing execute unit executing, when receiving image data and said

additional function from said image processing apparatus in response to the

transmission of said additional function information, a process to said received

image data in accordance with the additional function specified by said received

process content information.([0018] , [0023]).

As per claim 15, Rublee discloses the management server according to claim 14,

wherein said management server is capable of communicating with a plurality of

image processing apparatuses through a network, and further comprises a response

transmitter transmitting, in response to receipt of a search request transmitted from

each of said plurality of image processing apparatuses, a response to said search

request to the image processing apparatus that has transmitted said search request.

([0013], [0026]; LDAP query)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rublee (US 2003/0043416) in view of White et al. – hereinafter White (US 2004/0120009).

As per claims 11 and 21, Rublee discloses the image processing apparatus according to claim 7. Rublee fails to disclose wherein said image process is at least one process selected from: a tilt correction process; a noise elimination process; a color matching process; and a direction correction process in which direction of an image is determined and the image is rotated for correction. White discloses wherein said image process is at least one process selected from: a tilt correction process; a noise elimination process; a color matching process; and a direction correction process in which direction of an image is determined and the image is rotated for correction. ([0070]) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to disclose said image process is at least one process selected from: a tilt correction process; a noise elimination process; a color matching process; and a direction correction process in which direction of an image is determined and the image is rotated for correction in the disclosure of Rublee. The motivation for doing do would have been to allow the user to modify the image. ([0070])

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chirag R Patel whose telephone number is (571)272-

7966. The examiner can normally be reached on Monday to Friday from 7:30AM to

4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see

http://pairdirect.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll free).

     /C. R. P./
Examiner, Art Unit 2141

                                              /Jason D Cardone/
                             Supervisory Patent Examiner, Art Unit 2145